



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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10

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) Timothy E. Newholm (3) Davetta W. Giam
(2) John J. Carini (4) _____

Date of Interview 7-22-04

Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No If yes, brief description: _____

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1, 13, 14, 15, 16, 17, 24, 25

Identification of prior art discussed: _____

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Applicant has presented a proposed amendment including a feature that allows the system to allow 'frangibility' such that the operative won't cause obstruction to the aircraft on the taxiway. This 'frangibility' appears to overcome the prior art of record. A further search will be conducted to determine the patentability of claims.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

FORM PTOL-413 (REV. 1-00)

Davetta W. Giam

7-22-04

Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

A complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

§1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for response to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet carbon interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. The docket and serial register cards need not be updated to reflect interviews. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the telephonic interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature, or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter or the remainder of any period for response, whichever is longer, to complete the response and thereby avoid abandonment of the application (37 CFR 1.135(c)).


Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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I hereby certify that this correspondence is being transmitted via facsimile (703-872-9314) to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

JUL 21 2004


Signature

Date:

7-21-04

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John J. Carini

Art Unit: 2632

Serial No.: 09/896,801

Examiner: D. Goins

Filed: June 29, 2001

Attorney Docket: 238.001

For: Taxiway Barricade System

Confirmation No. 8301

TRANSMITTAL LETTER FOR PROPOSED AMENDMENTS
FOR RESPONDING TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Examiner Davetta Woods Goins

Dear Sir:

Enclosed for Examiner Goins' review are proposed amendments for responding to the Office Action dated March 19, 2004 in connection with the above-captioned patent application submitted for the purposes of discussion during a personal interview to be conducted on Thursday, July 22, 2004. The total length of this transmission, including this transmittal letter, is 8 pages. Should this transmission be incomplete or any pages thereof unintelligible, the Examiner is requested to contact the undersigned at the telephone number appearing below.

Respectfully submitted,



Timothy E. Newholm

Enclosures

Dated: July 21, 2004

BOYLE FREDRICKSON NEWHOLM

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OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John J. Carini

Art Unit: 2632

Serial No.: 09/896,801

Examiner: D. Goins

Filed: June 29, 2001

Attorney Docket: 238.001

For: *Taxiway Barricade System*

Confirmation No. 8301

Customer No. 23598

PROPOSED AMENDMENT

IN THE CLAIMS:

1. (Currently Amended) A barricade system for an airport taxiway comprising:

(A) supports which are positionable in a spaced-apart fashion across the airport taxiway to be closed and which comprise stanchions and bases which hold the stanchions; and

(B) a lightable rope which is fastenable to the supports to close the airport taxiway to vehicular traffic and which is energizable by a single electrical power source, wherein the supports and the lightable rope are sufficiently frangible to permit their use on the airport taxiway.

14. (Currently Amended) A barricade system for an airport taxiway comprising:

(A) a trailer;

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(B) supports which are carried on the trailer when the system is not in use and which, when in use, are positioned in a spaced-apart fashion on the airport taxiway to be closed; and

(C) a lightable rope which is carried on the trailer when the system is not in use and which, when in use, is fastened to the supports to close the airport taxiway to vehicular traffic;

(D) a portable generator which is supported on the trailer and which supplies electrical power to the lightable rope when the system is in use; and

(E) a reel which is carried by the trailer, wherein, when the system is in use, the lightable rope includes a first end which is attached to one of the supports and a second end which is supported by the reel, wherein the supports and the lightable rope are sufficiently frangible to permit their use on the airport taxiway.

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15. (Currently Amended) A system for closing an airport taxiway to vehicular traffic comprising:

(A) stanchions and bases which hold the stanchions, both of which are positioned in a spaced-apart fashion across the airport taxiway; and

(B) a single illuminatable barricade which is fastened to all of the stanchions to close the airport taxiway to prevent vehicular traffic and is energized by an electric power source, wherein the supports and the lightable rope are sufficiently frangible to permit their use on the airport taxiway.

16. (Currently Amended) A system for closing an airport taxiway to vehicular traffic comprising:

(A) a moveable platform;

(B) stanchions which are carried on the moveable platform when the system is not in use and which, when in use, are positioned in a spaced-apart fashion on the airport taxiway;

(C) an illuminatable barricade which is carried on the moveable platform when the system is not in use and which, when in use, is fastened to all of the stanchions to close the airport taxiway to vehicular traffic;

(D) an electric power source which is carried on the moveable platform and which powers the illuminatable barricade;

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- (E) a controller which regulates the electric power source; and
- (F) signage carried by at least one stanchion, wherein the supports and the lightable rope are sufficiently frangible to permit their use on the airport taxiway.

17. (Currently Amended) A method of closing an airport taxiway comprising:

- (A) positioning bases across the airport taxiway in a spaced-apart fashion;
- (B) attaching stanchions to the bases;
- (C) fastening a lightable rope to the stanchions to close the airport taxiway to vehicular traffic; and
- (D) energizing the lightable rope with a single electrical power source.

24. (Currently Amended) A method of closing an airport taxiway comprising:

- (A) positioning supports across the airport taxiway in a spaced-apart fashion;
- (B) fastening a lightable rope carried on a reel to the supports to close the airport taxiway to vehicular traffic;
- (C) electronically coupling the lightable rope to the reel; and
- (D) lighting the lightable rope with a single electrical power source, wherein in the event of an aircraft hitting at least one of the rope and a stanchion, the part that is hit will break or be knocked over without damaging the aircraft.

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25. (Previously Presented) A method of closing an airport taxiway comprising:

(A) transporting a barricade system to the airport taxiway to be closed, the barricade system including:

- (1) a trailer;
- (2) supports which are carried on the trailer; and
- (3) a lightable rope which is wound onto a reel on the trailer;

(B) removing the supports from the trailer;

(C) positioning the trailer in a position spaced from the airport taxiway;

(D) positioning the supports across the airport taxiway in a spaced-apart fashion;

(E) unwinding the lightable rope from the reel; then

(F) fastening the lightable rope to the supports to close the airport taxiway to vehicular traffic; and then

(G) lighting the lightable rope with a generator mounted on the trailer when the trailer is spaced from the airport taxiway, in the event of an aircraft hitting at least one of the rope and a stanchion, the part that is hit will break or be knocked over without damaging the aircraft.

Cancel claims 34, 37, 39, and 40.K

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KEY POINTS

- The 112, Paragraph 1 rejection is traversed. Frangibility is described at page 2, lines 8-10 and page 3, lines 7-8. Additional declaratory evidence will be submitted on request.
- All independent claims have been amended to recite the frangibility concept previously presented in only independent claims. None of the cited prior art references are sufficiently frangible for use as a runway barricade system
 - Ruschig discloses an anti-glare paddle system for highway construction projects. The system is clearly mounted on concrete barriers, which are unsuitable for taxiway barricade systems.
 - Magdaleno discloses a runway marker in the form of a lighted strip. It is intended to be laid out directly on the ground. There is no motivation to use Madaleno's marker in Ruschig and, even if there were, the claimed invention would not be produced.
 - Chien discloses a lighted rope and various applications. The various applications disclosed in Chien are not suitable for use on an airport taxiway.
 - The jersey barrier 116 of Fig. 6A, which is typically made of concrete, is not appropriate for use on airport taxiways due to the fact that concrete systems are heavy and difficult to transport,

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install, and remove. Moreover, any airplane that runs into them is likely to suffer nose and propeller damage. This is also true for the guard rail installation 118 of Fig. 6C.

- The street barricade 117 cannot be used on an airport taxiway because it is not stable enough.
 - The traffic cone/barrier setup 119 cannot be used to close an airplane taxiway because the exhaust of an airplane would cause them to roll over unless it is ballasted with a sandbag. However, sandbags are not permitted on airport taxiways because they could release sand, which could be sucked into the intake of an engine, doing major damage to the engine.
- o York discloses a portable electric fence usable for an animal corral. It is unsuitable for use in the claimed invention. Its wire is mounted on fence posts 52, which are insufficiently frangible for use in a taxiway barricade system.

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